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EXTRACTS FROM A LAWLER'S PORTFOLIO.

From the European Magazine, for March, 1818.

IT appears from the Regiam Majestatem, that Trial by jury was used in Scotland as early as David 1st, 1124. From Olaus Wormius (Monu. Danm. cap. 10. p. 72), that the trial by twelve men was introduced into Denmark by Regnerus, who began to reign in 820, from whom it was borrowed by Ethelred. 'Tis not improbable that our jury decided originally without a judge all controversies within a certain district. We are in the dark concerning their proceedings till the time of Edward II. when the Year Book began. Unanimity was required, 1st, out of mercy to the prisoner; 2ndly, from the danger of attainments against jurymen; 3rdly, to prevent any individual from being obnoxious to the crown or to parties. In the time of Henry III. this unanimity was not required in the first twelve impannelled, for, according to Bracton, if they disagreed, a number equal to the dissentients, or at least six to four, were added. From Fleta it seems this was the practice in the next reign, but the judge then appears to have had a power to oblige the first twelve to agree. In Scotland the decision is by a majority even of one, and the number is fifteen. Aldermen and citizens of London, in the third Henry's reign had the privilege for a trespass against the King to be tried by twelve citi-

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zens, for a murder by thirty, and for trespass against a stranger by the oath of six citizens and himself. (*Vide Fabian's Chronicle.*)—Hickes, in his Thesaurus, the most learned research into Saxon antiquities, proves it was unknown to the Saxons, and supposes it was introduced into England by Henry II. (*Ibid.*)”

Such were the contents of a torn paper which the wind wafted to the feet of Sheriff Elliott, as he took his morning walk. He said as English lawyers are wont to say on a more important occasion.—“I spy a Brother;” and opened the next fold with great care and curiosity.

“It is remarkable, that the English have always preserved an even number in their juries; thinking, perhaps, that among every twelve men there will be a majority of wise ones, or that the wise minority may always govern the majority of fools: but, saith my learned friend Silas Mucklequack, commonly called Slyass, ‘even if the whole twelve should judge wrong, one full woman would set them right, for she would contradict them all.’”

The Sheriff laughed, having no womankind at home, and turned another fold. “Every body knows how a learned German ornithologist contrived to foster his motherless broods of chickens while he pursued

his studies. Now, saith the afore-said Silas, if such broods were properly distributed in the chambers of the senate, in courts of law, colleges, and coffee-houses, where a few irrelevant chirpings and crows would not be strange, long sittings would prove marvellously useful, and speculating philosophers might be tolerably certain of providing their own dinners, and something for the benefit of the state."

Mr. Elliot looked round for the probable owner of these citations, but saw no one except an old hen-wife at the door of her cothouse. "Truly," said he to himself, "this rogue's wit runs through his law like quicksilver through a tube of tough leather.—What will come next?"—But he found only a few lover-like verses addressed to an "Elfin Arrow," commonly called a Scotch pebble.

Neil Elliot, Sheriff-depute of a Scotch district, had once claimed only the humble designation of writer to the signet; but powerful connexions, quick talents, and a happy address, placed him soon among the most important commoners in the west-country. He was as earnestly sought on festival-days as at magisterial meetings and arbitrations; and perhaps the fragment he had found was more touching to the humorous than the legal polity of his character. He perused it twice before he noticed a letter lying on his breakfast-table, addressed to him in the same hand-writing. It contained a concise and modest petition for employment among his junior clerks, with an intimation that family circumstances deprived the writer of any recommendation, except that which the Sheriff's benevolence might find in his diligence and integrity. Mr. Elliot held this appeal in his hand when his servant entered to remove the multifarious abundance of a Scotch breakfast; and after some preamble, he inquir-

ed if the person who waited his reply had the air of a lawyer's pupil or clerk.

Silas Mucklequack was on some occasions a clerk himself, and he answered his master's question with professional gravity—"An' he's to live like ane of us, sir, by what comes frae his mouth, he's right to put sae muckle into it. I ne'er saw sic a keen set lad."—"I asked you," said the Sheriff, hiding an extra dimple in his sleek face, "whether his appearance and dimensions are such as would be decent in my office, and suited to his profession?"—"He'll do well enow," answered honest Mucklequack—"he has made an unco stir among the old rats in the barn—Its my thinking, sir, he would dieve a whole synod of elders."—Elliot stopped him by issuing his command for the youth's introduction, and presently a stranger stood before him, whose dress, though gentlemanly, was soiled, as it seemed, by a long journey on foot, and unsuited to the singular delicacy of his form and aspect. "Your name is Milton?" said the Sheriff, smiling at his visitor's resemblance to that soft and blooming beauty which the great bard is said to have possessed when a female troubadour left her tablets by his side to express its effect. The youth's eye had indeed that tender brightness and transparency observed in early portraits of Milton in his boyhood, shaded by the same kind of waving hair, whose rich tint was hardly required to embellish by contrast, the extreme fairness of his cheek. The Sheriff thought that such must be the eye which according to Scotch proverb, may "split a stone," and addressed his inquiries with more blandishment than success. Young Milton's tone was coldly reserved, and his answers only amounted to repetitions that he had no friends or home, and would consider humble and gratuitous employment as boun-

ty till his abilities had been manifested.

The Sheriff had seen something more in Mucklequack's evasive answers than the mere dryness of privileged humour; and having dismissed the petitioner with a request to await his determination till the next morning, he began a private and close scrutiny with his servant. But the servitor of the law had been too long acquainted with demurs and detours to yield his secret easily: and Elliot needed all his skill to wring from him that Milton was the offending and discarded son of a neighbouring gentleman, whose inflexible character was well supported by his ample fortune. He discovered also, that no slight error could have caused the total dismissal of an only son, loved even to dotage, and generally expected to enjoy all that the courtesy of Scotch laws allows a reputed father to bestow. The Sheriff formed his own opinion, and mounted his horse to visit Cunningham of Blackire himself.

A large round promontory, single and detached from the long link of heathy hills behind and opposite, and still more distinguished by a black covering of forest-trees, gave its name to Cunningham's mansion. As Elliot plunged into the road which led him into its depths of shade, he mused on the fittest means of introducing his purpose to a father whose character was too upright to permit a suspicion of unjustified resentment, and too stern to allow easy atonement. His meditations were ended by Cunningham's approach on horseback. They were little more than strangers to each other's persons, but, as is usual in remote districts, fully acquainted with the situation and repute each possessed. The Sheriff's heart and countenance were well suited to an intercessor, and he opened his mission with the gentlest caution to-

wards the feelings of an angry parent and the safety of a son who had thrown himself on his protection. Cunningham of Blackire listened courteously but unmoved, and answered in ambiguous hints respecting the punishment due to felony, and the scandal of insulting a young female under her guardian's roof. "Let him work, sir!" he suddenly exclaimed, with an almost purple flush of indignation—"wiser laws than our's have deemed labour a more useful punishment than imprisonment or death."—"Blackire," replied the Sheriff gravely, "I have been compelled to study human nature, and cannot believe that the miseries heaped on a young mind will fertilize it as the most disgusting compost enriches the earth. This coarse thought is itself a sample of the fruits which such cultivation produces. Hard and insulting usage in youth removes the soft bloom both of virtue and beauty; and for myself," he added, hiding his earnest purpose in a facetious air, "I would prefer a foot with a corn or chilblain to one made callous by going bare through stony paths. The corn would shrink from too rough approach, and the chilblain might be cured by gentle warmth, but the hard bare foot would probably go through mire and thorns without feeling."

Blackire made no reply, and turned his horse into another road, while Sheriff Elliot directed his homewards, weighing the indirect accusations he had heard, and endeavouring to guess the person who had suffered these supposed outrages.

Cunningham was a bachelor like himself, and had no female guest at present, except an orphan niece under pupillage, and her governess. Common rumour had indicated that he wished to unite his ward and his acknowledged son, who could have had no temptation, therefore, to any

clandestine or injurious act; and how could theft be plausibly imputed to the presumptive heir of such abundance! Elliot returned embarrassed and undecided to his home, where his suitor awaited him with a calm countenance, which he examined strictly while he announced the failure of his mediation: "But," he added, "your father sends you this purse to ——— —." —"Would he give me another blow?" said Milton Cunningham, and, as he recoiled from it, his countenance darkened into a startling resemblance of his father's. The Sheriff, still influenced in his favour by feelings which he chose neither to resist nor define, forbore any farther comment, and detained him under his roof, without distinctly expressing his opinions or designs. On the sixth day, a cadet's commission arrived from London, followed by suitable equipment, appearing to proceed from his father. Young Milton received them with a cold and stubborn sullenness, which induced the Sheriff to change his measures. Without preamble, he began by a sudden and direct appeal to his conscience, for the same reason that men attack marble with iron, and hard metals with a file. He named the broad and heavy charge indicated by his father, and the rumours which his silent obstinacy warranted. He intimated, that the noblest and strongest self command was shewn by meeting the inquiry, and enduring the censure even of a judge too austere. Milton answered coldly, but with singular expression, "A lie has no feet"—and began to prepare for his long voyage.

Elliot saw him go to the place of embarkation without the slightest departure from his gloomy reserve, or the least abatement of that indifference which he had always shewn to suspicion or disgrace. But when the boat was ready, and the Sheriff's

eyes moistened as they took their last glance, Milton stepped back, and put a small sealed packet into his hand. "It is addressed," said he, "to the donor of all I now possess, and I know, though I have not expressed, how much I owe him. Let him preserve this till my return, or till he hears of my death,"—"Only say that your accuser is mistaken!" returned the Sheriff eagerly—but Milton shook his head, and leaped into the boat in silence. His youth, his affecting countenance, and even his obduracy, gave him a kind of mysterious hold on his patron's mind, which retained all the legendary romance of the Border Elliots, blended with the lavish kindness of unoccupied affections. He hoarded the packet entrusted to him with inviolable reverence to its seals; and perceiving by its address that Milton recognized his benefactor, he thought of him incessantly with that gladdening warmth which the grateful give to the beneficent.

Three years passed away without any communication between the father and son, or any apparent change in the former's inflexible resentment. Nor was there any material alteration in his family affairs and general conduct, except more ostentatious splendour on some occasions, and querulous litigation on others. A summons had been issued against him for "count and reckoning" by the tutors and curators of a young heritor; or, as English lawyers would phrase it, for an adjustment of accompts with a minor's guardians. Though the subject of dispute seemed trifling at first, other claims and unexpected pleas became entangled with it, till the dissolution of Cunningham's large property seemed inevitable. Many pitied the disastrous progress of a litigating spirit, and a few were anxious to preserve Cunningham's mind from ruinous despondency. Neil Elliot stood aloof, half-resent-

ing the ill-success of his mediation, and more than half-suspecting some deeper cause for his neighbour's dejection. He always believed that wounds of the mind, whether given by grief or guilt, resemble those of the body, where time makes a callus of an outward hurt, but a cancer of a hidden one. Therefore he preferred open faults and grievances to any disguise, and sought no intimacy with a man whose impenetrable character seemed like the smooth stone laid over a grave. He was musing on this subject by his bed-chamber lamp, when a courier brought a special message from Cunningham of Blackire, requiring his professional aid and instant presence. He obeyed immediately, not doubting that this late summons proceeded from his death-bed, and would be followed by some decisive communication respecting his son. Elliot's amazement was extreme when he found Blackire in apparent health, and received his injunctions to fill up a stamped paper with a marriage contract, after which the kirk-minister would perform the ceremony.—“Are you not aware,” said Elliot, “that such a ceremony precludes in Scotland the necessity of any written precognition, as it will invest all this woman's offspring, though of prior birth, with the rights of legitimacy?”—“She has but one,” replied Cunningham, casting down his eyes; and I only wish by the terms of a settlement to bar her claims on my estate.”—Elliot smiled at the evasion, rightly judging that her demands would be of little importance to an estate which would be soon surrendered to his creditors. “Then,” he answered, “if you only wish to exclude her from the law's allowance of one-third of your rents and moveables, it will be sufficient to sign a settlement without any pretence of a precontract, which, however sanctioned by the courtesy of Scotland, will seem, in this instance, only a deliberate and needless falsehood.”—A dark flash escaped Cunningham's eyes, but his determined aspect remained, and he replied, “My heirs at law are among my persecutors, and I have resolved to defeat them by giving my son rights beyond dispute, if enforced by an attested acknowledgment of private marriage.”—Elliot was silenced, for he saw under this affectation of spleen a revival of his parental love, which sought to disguise itself even in hatred to his heirs at law. Therefore he prepared a contract, with a full and formal preamble, stating an irregular marriage twenty years antecedent to this date between the parties; and Cunningham ushered him into another apartment to witness its completion. His chosen bride, the mother of his son, awaited him there with the kirk-minister, and received Elliot as a total stranger, but the first glance at her face convinced him it was one he well remembered. His surprise and consternation were inexpressible, and must have been observed, if, with presence of mind which far surpassed his, she had not immediately begun the business of signature. How could Elliot act in this terrible dilemma? The subtle spirit which could confront him without shrinking, might devise falsehoods sufficient to baffle his allegations, and her willing dupe would probably sustain her. Before he had determined, the time of action was past; the minister performed the brief ceremony of a Scotch marriage, and the unwilling witness hastened away, bitterly feeling that he might have escaped reproach himself if he had resisted the first proposal of a false precontract—if, in short, he had not been tempted to abet evil by a remote hope of good. It was not too late, perhaps, to defeat this precognition, as even the courteous laws of Scotland can-

not support one, if the circumstances of the parties at the period of the pretended date were such as to render a legal contract impossible. But the disgrace and misery of an investigation would fall heaviest on the innocent, and it was easy to perceive that the blandishments of a base woman had utterly bewildered and subdued Blackire's violent spirit, as a skein of thread entangles the crocodile's teeth. He contented himself, therefore, with hoping that he knew the worst consequences:—a hope always deceitful, and a kind of knowledge never granted to those who deviate even a single step from the right path.

Another year passed, and the Sheriff was seated by his fire-side, comparing the civil institutes of various countries, with a remorseful recollection that, by unguardedly availing himself of one, he had swept away the lineal succession of an honourable family, established a profligate woman in its highest place, and given the rights of inheritance to a very doubtful claimant. He had once deemed the marriage-laws of England too rigid to afford refuge to early and innocent affections; and he had thought their formalities often urged imprudence into guilt; but he now gave more bitter blame to those of Scotland, which render rashness irretrievable, and artifice easy. He sighed to think the medium was not yet found between statutes that make vice desperate, and those that give it a premium and a privilege: and wiser casuists might have doubted whether moral order is most injured by laws too rigorous to be enforced, or by others whose force is a protection to offenders.

In the midst of these professional musings, Milton Cunningham was suddenly announced, and entered, after an absence of four years from his native country. There was an

eager expression of inquiry in his countenance, which the Sheriff understood more fully than he could answer, for he was uncertain whether Milton had yet to learn that his father was dead insolvent, and his mother a disgraced fugitive. "I know all," said Milton, imagining that he interpreted all his friend's embarrassment—"but the letter!—have you preserved the letter?"—The Sheriff answered by taking it from its repository:—"Break the seal," added his visitor in a faltering voice—"the time is come." Elliot instantly obeyed, and saw a promissory note of ancient date for three thousand pounds, with these words in the envelope:

"The guardian of an orphan niece found this note, executed by himself to her father, in her possession. His affairs were involved—his exigencies pressing; she was under his roof, and in his power—he extorted it from her, but an unexpected witness interrupted him, and secured it. An honest and powerful advocate might give her redress—a son cannot."

The Sheriff, raising his eyes from this statement, fixed them steadfastly on Milton, and saw its truth in the noble agony his countenance expressed. "Speak, sir, I beseech you," he said, after a long pause—"speak to me as a lawyer, not as a friend, and let me hear the worst. I have sinned, I know—and have beggared the owner of this note, perhaps, by concealing it—but my father!"—he stopped, and burst into tears. The Sheriff replied with moist eyes—"As a lawyer, I must tell you, the statute of Limitations has invalidated this note; and even if its date was less remote, it could give no claim on your late father's real estate, which has been surrendered to satisfy special debts. In law, therefore, the purchaser of his land cannot be charged with this, and the unfortunate creditor will

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find redress difficult: but as a friend I may add, that there are other chances. Your father's uncle died last night unmarried and intestate—his personal property is ample, and to that, at least, you may lay claim in England, by virtue of your legalized birth, and atone for this transaction.”—“My birth!” repeated the young man, starting—“it was never publickly legalized.”—“It is true,” said Elliot—“My clerk and myself were the only witnesses. and the officiating minister is dead without registering the fact—but I possess a precognition—a contract sufficient in all its forms.”—Milton seized it with flashing eyes, and read the whole eagerly—“Is there no publick record?—no other proof?”—“None,” returned Elliot, chilled by the joy he betrayed—“unless this can be justified, your cousin is your uncle's heiress.”—“There perishes the obstacle then!” said Milton, throwing it into the fire—“she will be indemnified fourfold for the lost note, and my father's name will be saved!”—The Sheriff laid his hand on Milton's head with an involuntary gesture of benediction—“You have atoned nobly;—but you shall not be disinherited. I am the purchaser of Blackire's estate, and that it may satisfy every claim of honour and justice, it is your's. May his fate be a powerful example! He was once a proud and honest man, yet he became an attester of falsehoods, a ruffian, and a robber, to enrich a rapacious courtesan and a stranger's son———*I am your father!*”

NOTICES OF VOYAGES UNDERTAKEN FOR THE DISCOVERY OF A NORTHERN PASSAGE,—*With observations on the Prospects of success from the present Expedition. [Concluded from p. 154.]*

From the Edinburgh Magazine, for June, 1818.

AS this voyage appeared rather encouraging, another was sent the following year, 1577, under the same commander. On his way he touched at the Orkneys, which seem to have been then almost an unknown region. When the English first landed, the people “fled from their poore cottages, with shrieks and alarms,” but were soon, “by gentle persuasions, reclaimed.” In describing their manners, he says, “The Goodman, wife, children, and other of the familie, eate and sleepe on the one side of the house, and their cattle on the other, very beastly and rudely, in respect of civilitie.” He adds, “Their apparel is after the rudest sort of Scotland; their money is all base.” In the rest of the voyage, they had no night, at which he rejoices, as it gave them constantly, when so disposed, “the fruition of their bookes,” which he says is “a thing of no small moment to such as wander in unknown seas.” In their way they met large fir trees floating, which they judged to be “with the fury of great floods, rooted up.” Having come “within the making of Frisland,” they found themselves, though only at 61° of latitude, in the depth of winter, “boisterous boreal blasts, mixt with snow and hail;” and only the perpetual day reminded them that it was summer. Our navigator then crossed the entrance of Baffin's Bay, and came to the Strait, to which he gave his own name, and the sight of which rejoiced his heart, as it appeared to promise an entrance into the *Mare del Sur*, or great Southern Ocean. It was even conceived that one side of this Strait was America, and the other Asia.

Frobisher now went on shore, with a party to search for gold, as there was found here a species of marcasite or pyrites, which contained a portion of that metal. While he continued on shore, a furious tempest came on, accompanied with the rolling of innumerable islands of ice, "so monstrous, that even the least of a thousand had been of force sufficient to have shivered our barke into small portions." It was with the utmost difficulty they kept the coast, but they magnanimously resolved to brave all dangers, before they would, "with our own safetie, turne into the seas, to the destruction of our said generall and his companie." Frobisher next day having returned "with good news of great riches," all their hearts were revived. They now sailed to the coast, at which they had lost their boat and men the preceding year. They resolved to land and make vigorous exertions to come up with the people. The natives, on seeing them land, retreated higher up the bay, holding themselves ready, if hard pressed, to fly into the interior. The English, however, advancing in two bodies, attacked from different sides the mountain on which they were stationed. The natives then discharged their arrows, but without any effect; while several of themselves were quickly wounded by the arrows of their opponents. Seeing themselves thus surrounded and worsted, they yielded to the excess of savage and frantick agony, and despising the offered mercy of the English, threw themselves down the rocks, and were dashed to pieces. All who could effect their escape, fled into inaccessible mountains, and the sailors could only overtake two women and a child. One of these females exhibited a degree of ugliness, so hideous and appalling, that it seemed unaccountable on any other supposition, but that of the devil himself having assumed her form; and the presumption seemed the stronger, as the furious proceedings of her countrymen would thus be accounted for. Before acting upon this hypothesis, however, it appeared reasonable to bring it to some test of experiment; and an infallible one occurred in that structure of the lower extremities, which by every approved system of diabolick zoology is assigned to the personage in question. They "had her buskins plucked off, to see if she were cloven-footed." The essential distinctive character being found wanting, no violent proceedings were instituted; but as the contemplation of her visage still inflicted the most exquisite torture, it appeared indispensable to relieve themselves by her immediate dismissal.

Frobisher, on examining the ore which he collected on the southern side of the Strait, had found room to apply the proverb, "All is not gold that glisteneth." On the northern side, however, supposed by him to be the continent of Asia, he found a quantity of mineral which appeared more promising, and of which, therefore, he took as much on board as his ships could well carry. Meantime, the natives used every contrivance to allure him on shore; but it being observed, that while two or three came forward with signs of friendship, a number of others lay hid behind the rocks, a deaf ear was turned to every invitation. At length one of them, who had every appearance of being extremely lame, was carried down and left on the shore. Frobisher taking compassion on his malady, determined, if possible, to attempt its cure; and conceiving that the application of a loaded musket might be attended with salutary effects, he caused one to be discharged. The cure was instant; the lame man sprung up and ran

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with incredible swiftness, while his countrymen rushed out from their ambuscade to his rescue. These manœuvres appear to have been practised with a view to the deliverance of the two females who were still in the hands of the English; but without success; and Frobisher carried them with him to England, for which he soon set sail.

On the 25th of May 1578, Frobisher again sailed with eight vessels, carrying out a hundred men, and ample building materials, for the purpose of forming a settlement upon *Meta Incognita*, the name then given by Queen Elizabeth to this remote region. On the 20th June, he came in view of Friesland, and cannot avoid again remarking its aspect "full of craggie rocks, and the tops of high and huge hills," covered with mist and snow. "There might we also perceive the great isles of ice lying on the seas." He immediately sailed across to his own Straits, and made preparations for forming his settlement; but these were interrupted by a storm of the most terrific character. "The ice had so environed us that we saw neither land nor sea, as far as we could kenne." They cut their cables, and hung them, along with oars, bars, and planks, over the sides of the ships, to defend them from "the great and drie strokes of the ice." Its force, however, was such, that it broke these barriers, and "rased the sides of the ship, that it was pitifull to behold." Happy in the morning the wind ceased, though they were soon involved in so terrible a fog, that but for the continual beating of drums they could not have kept near each other. On the 26th of July the snow fell a foot thick, freezing as it fell. These and other disasters obliged them to give up the idea of forming a settlement this year on these dreary shores. They merely formed a small house,

"garnished with many kinds of trifles, as pins, points, laces, glasses, combs, babes on horseback and on foot," with other toys, to amuse and conciliate the minds of the natives.

After a short interval, in 1585, John Davis was sent out with two vessels on the same mission with Frobisher. On reaching Greenland, he seems to have been peculiarly struck with its gloomy and terrific aspect. He calls it "the most deformed, rocky, and mountainous land that ever we sawe." The first sight whereof did shewe as if it had been in forme of a sugar loafe, standing to our sight above the clouds, for that it did shewe over the fogge like a white liste in the skye, the tops altogether covered with snowe, and the shoare beset with ice a league off into the sea, making such yrksome noyse, as that it seemed to be the true patterne of desolation." He then steered northwest, till he arrived in Cumberland's Strait. He at first saw no people, but soon heard them making "a lamentable noyse, with great outcryes and skreechings; we thought it had been the howling of wolves." Davis, however, seems to have studied, with much more courtesy and address than his predecessor, to place himself on an amicable footing with them. As soon as they were descried, a band of musicians, provided on purpose, was sent for, who immediately struck up a tune, to which the crew danced, making at the same time friendly gestures towards the natives. These merry proceedings induced the latter to advance nearer, though they did not grant their full confidence till, besides the continuation of musick and dancing, the English had made several mystick signs, as a pledge of protection. The natives then became quite intimate and familiar,--sold every thing they had, their canoes, and the

clothes off their backs. These clothes were made of fine wool, seals' skins, and bird's skins, with the feathers on. In August, Davis was stopt by adverse winds and tides. He was then among islands, "with great sounds passing between them," and was convinced, from various circumstances, that this sea had a communication with the great Southern Ocean.

In 1586, Davis set out on a second voyage. He came to nearly the same point which he had visited the year before, and renewed his intimate commerce with the natives. But some less satisfactory features in their character began to be unfolded. He observes, "they are very simple in all their conversation, but marvellous theevish." "They began, through our lenity, to shew their vile nature; they began to cut our cables;—they cut away the *Moonlight's* boat from her stern;—they cut our cloth where it lay to ayre,—they stole our oares, a caliver, a boare speare, a sword, with divers other things." The crew loudly called upon Davis to "dissolve this new friendship," and the good natured commander at last allowed a caliver to be fired, which "did sore amaze them," and caused an immediate dispersion. In ten hours after they came back, promising good behaviour, and, "we again fell into a great league." Unfortunately, however, some pieces of iron coming under their eye, "they could in nowise forbear stealing;" but this to Davis "did but minister occasion of laughter," and he merely warned the sailors that they must look well to their own property, "supposing it to be very hard, in so short a time, to make them know their evils." Being anxious, then, to obtain some knowledge of the interior of the country, he got to the top of a high mountain, but the mountains round were "so many, and so mighty,"

that his view could not extend far. He then sailed up a large river, but found "no firme lande, but huge, waste, and desert isles, with mighty sounds and inlets passing between sea and sea." On his return to the ship, a torrent of complaints was poured out against the unfortunate natives. They had stolen an anchor,—had cut the cable,—had severed the boat from the stern,—"and with slings they spare us not with stones of halfe a pound weight." The good natured commander bid them be content, and all would be well. He went to the natives, used them with much courtesy, and considered their friendship as gained. But as soon as it was dark, "they began to practise their devilish nature," and the boatswain was even knocked down by a stone thrown from one of their slings. Davis was at length worked into a rage, and ordered them to be fired upon; but they rowed off so quickly, that no damage ensued. He afterwards enticed one of the ringleaders, "a maister of mischief," on board, and carried him off. He was at first very disconsolate, but on being well treated, soon recovered his spirits.

On the 17th July, in lat. $63^{\circ} 8'$, he says, "we fell upon a most mightie and strange quantity of ice, in one intyre masse, so bigge, that we knew not the limits thereof, and being with all so very high, in forme of a land, with bayes and capes, and like high chiffe land, which bred great admiration to us all, considering the huge quantity thereof, incredible to be reported in truth as it was, and therefore I omit to speak any farther thereof. This only I think, that the like before was never seene." This enormous mass formed a serious bar to his progress, and the crew becoming sickly, it was, after full consideration, judged necessary to return.

In 1587, Davis made his third voyage, which, though less diversi-

fied by incident, was more important as to discovery. He sailed along the west coast of Greenland as high as $72^{\circ} 12'$ N. considerably farther north than any navigator had yet been. He found the sea to the north and west entirely open; then leaving land, he steered to the westward. Circumstances obliged him to take a southern direction, and he arrived in Cumberland Straits, where he discovered a number of islands, to which he also gave the name Cumberland. His farther progress was all to the southward; but he returned in the most sanguine expectation of the grand discovery. He writes to his employer, Mr. Sanderson,—“I have been in 73 degrees, finding the sea all open, and 40 leagues between land and land. The passage is most certain, the execution most easie.” Notwithstanding these sanguine anticipations, the interest of the publick fell asleep upon this subject, and was not awakened anew till a considerable time after.

The next great explorer of the northern seas was Henry Hudson, who, by his voyages into these regions, acquired a name equal to that of the most illustrious British navigators. His first voyage was one of discovery towards the North Pole, “set forth at the charge of certaine worshipfull merchants of London.” Several voyages had already been made to Cherry Island; but Hudson was the first Englishman who reached Spitzbergen, which he called Newland, or Greenland. He even conceived himself to have been its first discoverer, though it appears that it had been already visited by Barentz in his third voyage. He coasted it as high as between 81 and 82 degrees, and was anxious to have sailed round it by the north; but the vast quantity of ice joining to the land, rendered it impossible to attempt this. He was of opinion, however,

“that this land may be profitable to those who may adventure it;” for, though it was chiefly “a very rugged land, rising like hay-cocks,” and largely covered with snow, yet the seals were more numerous than in any country he had yet seen.

In 1608, Hudson set sail, with the view of discovering a north-east passage. In the latitude of 75° , they saw what was judged to be a mermaid, who “came close to the ship’s side, looking earnestly on the men.” The description given is, that, “from the navill upward, her backe and breasts were like a woman’s, (as they say that saw her;) her body as big as one of us; her skin very white, and long hair hanging down behind, of colour blacke.” A wave, however, suddenly rose, and washed her away. Hudson reached Nova Zembla, and sailed for some time along its coast. He was rather agreeably disappointed in its aspect, as most of what he saw was, “to man’s eye, a pleasant land,” and, though some of the hills were covered with snow, many were free from it, and “in some places green, with deer feeding thereon.” He was unable, however, to penetrate across this barrier, and observes, “It is no marvel there is so much ice on the sea towards the Pole, so many sounds and rivers being in the lands of Nova Zembla and Newland to engender it, besides the coasts of Pechora, Russia, and Greenland, with Lap-*p*ia, by means of which ice I suppose there will be no navigable passage this way.” From which and other passages, Hudson’s idea appears to be, that ice is derived chiefly from land. He sought in vain for Willoughbie’s Land, which had hitherto been laid down on all the maps, and seems to have determined that it must either have been Spitzbergen or Nova Zembla.

In the third voyage, Hudson set out, in the first instance, eastward,

and doubled the North Cape, but he then immediately turned westward, and proceeded to Newfoundland, whence he sailed along a great part of the coast of the United States. This navigation does not belong to our present subject.

On the 17th April 1609, Hudson set sail on his last, most memorable, and fatal voyage. The object was now the discovery of the north-west passage, which had been tried repeatedly by Frobisher and Davis, without full success, indeed, but without any discouraging result. The details are given by one of the seamen named Habaccuc Pricket. After passing the southern point of Greenland, they sailed directly across the mouth of Baffin's Bay, and pushed through the entrance into that great bay which has received the name of Hudson. He soon found himself a hundred leagues farther than any navigator had yet reached, but the ship being here entirely inclosed with ice, and matters having assumed an alarming aspect, he called the crew together, and left it to their choice, "whether they would proceed any farther, yea or nay." Such a reference, perhaps, is always imprudent, and here it doubtless sowed the seeds of mutiny. Some were for one thing, and some for another, and "there were some who spake words which were remembered a great while after." Before any decision was formed, the discussion was broke up, by the necessity of action. "To worke we must on all hands, to get ourselves out." When they were once clear of the ice, no farther objection was made to proceeding, and they worked on as far as Cape Worsenholm, which formed the termination of the Strait, and the entrance into the Bay, of Hudson. Proceeding southwards, they were entangled in the ice, and, on the 10th of November, were entirely frozen in. Though they suffered severely from cold, it did not produce any alarming effects, and the abundance of fowl in the beginning of winter prevented any danger of famine. Discontents, however, were secretly fermenting. Among the crew was Henry Greene, a young man of ability, and of respectable parents, but whose dissolute conduct had alienated all his friends, and left him entirely destitute, till Hudson took him into his house, and got him a place in his ship. This Henry Greene "stood upright and inward with the master, and was a very serviceable man every way;" but the favour shown to him, and which was thought scarcely merited, alienated the minds of several of the officers. In spring the fowls disappeared, and serious distress began to be felt from the want of provisions. Hudson's exertions to obtain a supply, and to divide equally what they had, seem to have been unwearied; but a diversity of opinion began to prevail as to the measures which ought to be pursued. At length a conspiracy was formed, at the head of which Greene placed himself, for the detestable purpose of putting out Hudson, with all the sick and disabled men, on board the shallop, while the rest should sail home in the ship. Pricket, the narrator, against whom strong suspicions have been entertained, avers most positively, that he remonstrated in the strongest manner against this design, though he agreed to remain neutral, on condition of not being included in the proscription. Greene first informed him of the design, swearing there was no other remedy; that he would rather be hanged than starved; and that he would "cut his throat that went about to disturbe them. Presently came Ivvet, who, because he was an ancient man, I hoped to have found some reason in him, but he was worse than Henry Greene. After

him came John Thomas and Michael Perse, as birds of one feather; but, because they are not living, I will let them go." At night, Greene held the captain in conversation till the plot was ripe, when Hudson, coming out of the cabin, was seized by two sailors, while another bound his arms behind him. Inquiring what this meant, he was told that he should know when he was in the shallop. "Then was the shallop haled up to the ship, and the poore, sicke, and lame men were called upon to get out of their cabins into the shallop." Some dispute arose as to the selection, but it was at length settled, and Hudson, with his companions, were abandoned on this terrible shore. They were never more seen or heard of; but the situation in which they were left could leave no room for doubt as to their fate.—"Never, perhaps," says Forster, "was the heart of man possessed with ingratitude of a blacker dye than that of the infamous villain Greene. Hudson had saved this wretch from perdition, had received him with the utmost kindness into his own house, and had, but with too much weakness, taken his part, when he had been guilty of the grossest misdemeanors,—notwithstanding which, this outcast of society had the wickedness to stir up the rest of the crew against their commander, and to expose his benefactor and second father, without clothes, arms, or provisions, to the open sea, in an inhospitable climate, inhabited only by savage beasts, and men still more savage."—The mutineers now

proceeded to ransack every corner of the vessel, as if it had been given up to plunder; and they then endeavoured to work their way out of the bay through the ice, which bore a worse appearance than any they had yet dealt with. But if ever the hand of Providence visibly interposed, it was against this guilty crew, who were soon destined to perish by a fate still more horrible than that which their guilty hands had inflicted. Having come to a coast which appeared to abound with fowl, they were invited by the savages, in a manner apparently very friendly, to come on shore. A boat with six men, accordingly, landed, without arms or precautions of any kind. Several began to collect herbs, while others were showing to the people "looking-glasses, Jews' harps, and bells." In an instant they were attacked in the most furious manner. Henry Greene and another were killed on the spot, and two more died afterwards. Pricket, after a desperate struggle, and many wounds, succeeded in wresting the weapon from the savage who had attacked him, and turned it against himself. The loss of these four, however, "the onlie lustie men in all the ship," increased the difficulty of navigating; and the length of the voyage, joined to their "evil steerage," reduced them, before they reached England, to the last extremities of famine. Ivet, the chief ring-leader next to Greene, died of want, and only the opportune appearance of the coast of Galloway saved the rest from the same fate.

VARIETIES.

From the European Magazine, for July, 1818.

HEYLIN.

THIS celebrated man, soon after publishing his "Geography of the World," accepted an invitation

to spend a few weeks with a gentleman who lived on the New Forest, Hampshire, with directions where his servant should meet him to conduct him thither. As soon as he

was joined by the gentleman's servant, they struck off into the thick of the forest, and after riding for a considerable time, Mr. Heylin asked if that was the right road; and to his great astonishment received for answer that the conductor did not know, but he had heard there was a very near cut to his master's house through the thicket; and he certainly thought, as Mr. Heylin had written the "Geography of the World," that such a road could not have been unknown to him.

From the same.

ELECTIONEERING.

THE late John Ellis, Esq. who was termed "a violent party man," was employed as agent in an election, which was not only strongly contested on the spot, but the proceedings were, on the ground of some irregularity, brought by petition before the House of Commons. To the bar of the House Mr. Ellis was brought, on the part of the petitioning candidate, when he underwent a cross examination, of which the following is the substance: "We understand, Mr. Ellis, that a very considerable sum was expended in this election, and that great part of it was directed to the purpose of corrupting the voters. Do you know of any such application of money, or of any bribes being actually accepted on the part of the electors?"—"Indeed, sir, I do: as agent, I know that *our party* bribed all that we could get to accept our money."—"At this acknowledgment a pause of astonishment seemed to pervade the House: a murmur succeeded, which only subsided on a member's saying to the witness, "Your party did not carry the election!"—"No," returned Ellis, with great composure, "we did not."—"Well, but Mr. Ellis," said the first querist, "is it not extraordinary, as you say you bribed all that would take your money, that you did not return your

member!"—"Not in the least," said Ellis.—"No!—why how do you account for it?"—"Easily—the opposite party *outbribed* us."—At this there was an universal burst of laughter.—"I shall not ask you any more questions, Mr. Ellis," said the interrogator, with great indignation.

From La Belle Assemblée.

THEATRICAL ANECDOTE.

AT the time when Lee was manager of the Edinburgh Theatre, he was determined to improve on stage thunder. For this purpose he procured a quantity of nine-pound shot, and putting them into a wheelbarrow he affixed thereto a nine-pound wheel; this done, ridges were placed at the back of the stage, and one of the carpenters was ordered to trundle this wheelbarrow, so filled, backwards and forwards over those ridges. The Play was *Lear*, and in the two first efforts the thunder had a good effect: at length, as the King was braving "the pelt-ing of the pitiless storm," the thunderer's foot slipped, and down he came, wheelbarrow and all: the stage being on a declivity, the balls made their way towards the orchestra, and meeting but a feeble resistance from the scene, laid it flat. This storm was more difficult for *Lear* to encounter than that tempest of which he had so loudly complained, the balls taking every direction. The fiddlers were alarmed, and hurried out of the orchestra, while, to crown the scene of confusion, the sprawling thunderer was discovered lying prostrate, to the great amusement of the audience.

From the Sporting Magazine, for July, 1818.

MATTERS OF COURSE; OR, A PAIR OF NIGHTINGALES.

THE following curious examination took place Monday, July 18, before the Sitting Magistrate at Guildhall:—

A tall and masculine woman, who gave her name Judith Macgrath, was brought up, and being placed at the bar, the following whimsical conversation took place:—Magistrate, "Who complains of this woman?"—A little fat smartly dressed man, whose cheeks, seamed with dark brown stripes, made it evident he had lately been in a desperate affray, skipped lightly into the witness's box, and very tritely replied, "I do, of course."—Magistrate, "Why 'of course,' Sir; pray, who are you?"—Prosecutor, "Me, Sir; I am Mr. Nightingale."—Magistrate, "And what are you, Mister Nightingale? What business are you?"—Prosecutor, "A hairdresser, of course."—Magistrate (*smiling*) "And you charge the prisoner with an assault?"—Prosecutor, "An assault of course."—Magistrate, "Why do you add 'of course;' how am I to know all that happens between you?"—Prosecutor (*stroking his face*), "It's plain enough, I think."—Magistrate, "Why, true; you bear some marks of violence, certainly. Pray how did it happen?"—Prosecutor, "With her nails, of course."—Magistrate, "I don't care whether it was with her nails or not; I want to know why she assaulted you?"—Prosecutor, "Oh, a love matter, of course; what do women assault men for?"—Here the Magistrate lost all patience, whilst the persons in the office could scarcely suppress their laughter. Mister Nightingale, however, nothing moved, either by the anger of the Magistrate, or the tittering of the by-standers, stood with his mouth half open, ready for the next reply. At length the Magistrate said, "Is there no person here who will undertake to tell this Gentleman's tale for him?" When another dapper spark took the place of the prosecutor, and announced himself as "Mister Nightingale's own brother."—Magistrate,

"Well, Sir, and now I hope we shall be able to understand the business. What do you know of this affair?"—Witness, "Why, Sir; I knows her to be a very infamous character, I"—Magistrate, "Let her be what she may, she appears to have had to deal with a pair of wise ones. How do you know her to be an infamous character?"—"Why, Sir; of course she can't be a very good one, when she has lived with my brother these eight years."—(*Laughter, in which every body joined, except the two Mister Nightingales.*)—Magistrate, (*rather angrily*), "Pray, Sir, can you give a direct answer to one simple question?"—Witness, "I'll try my best, Sir."—Magistrate, "Do so. Did this woman, the prisoner, live with your brother as his wife, or ——"—Witness (*interrupting*) "As his concubine, Sir, of course."—Magistrate, "Well, then, Gentlemen, as this appears to be a matter of course altogether, I shall, of course, discharge the prisoner."—and she was discharged of course.

From the same.

WIT IN SEASON.—A whip having nine lashes, used for the punishment of delinquents in the Army and Navy, it is well known, is called a *cat of nine tails*. A sailor on board his Majesty's ship the *Tartar*, in 1747, when tied up to receive this punishment, addressed the following lines to his commander, who had an antipathy to a cat:

"By your honour's command, an example I stand.
Of your justice to all the ship's crew;
I am hamper'd and stript, and if I am whipt,
I must own 'tis no more than my due.

In this scurvy condition, I humbly petition,
To offer some lines to your eye:
Merry Tom, by such trash, avoided the lash,
And if fate and you please, so may I.

There is nothing you hate, I'm inform'd, like a cat,
Why! your honour's aversion is mine:
If puss then with one tail can so make your heart fail,
O save me from *that which has nine!*"

Jack was pardoned.

POETRY.

From the Edinburgh Magazine, for June, 1818.

SONG.

THE stars are out ; the moon is bright,
Through depths of azure wading ;
The waters sparkle in its light,
Their banks the osiers shading :
A placid calm o'erhangs the scene ;
'Tis wildly sweet ; and only
Were one but present, now, I ween,
It would not seem so lonely !

She was the star, whose glorious ray
My journey did enlighten ;
No cloud obscured my mental day,
Whose gloom she did not brighten ;
But, from the bird that ushers spring,
Her emblem we may borrow,
To-day, we hark and hear it sing,
And where is it to-morrow ?

Oh ! why in such an hour as this,
Should thought so sad awaken !
Why was I doomed to dream of bliss,
And thus to be forsaken ! —
Since life no balsam can impart
To keep remembrance under ;
The lengthen'd sigh that swells my heart,
Shall burst its bands asunder.

From the European Magazine, for July 1818.

THE ARCTICK NAVIGATOR'S PRAYER.

SPIRIT of Hope ! — thy pinions fleet
May reach the Glacier's stormy seat !
Thou of all elements the queen,
Shalt best illumine the changeful scene,
Where ice gives fiery meteors birth,
And stiffen'd Ocean vies with Earth :
But first with bland and genial ray
Doubt's freezing barriers melt away !
First save us from the blue fiend's realm,
Whose fogs the fainting soul o'erwhelm ;
From gloomy frost our colonies
Of gay and busy thoughts release,
That far in search of gems and flow'rs
Have stray'd from safe domestick bow'rs ;
Like the lost race which home again
Norwegia's pastor call'd in vain,
When savage Greenland's giant shore
They tempted and returned no more.*

Alas ! thus Folly's venturers roam
From the calm temperate zone of Home,
Of gaudy toys and plumes in quest,
Till bitter gales their speed arrest,

* In 1406, the seventeenth bishop of a colony settled at East Greenland was prevented from reaching them by a prodigious barrier of ice, and their fate has never been ascertained.

And bare and bruis'd their bark is hurl'd
On the cold Arctick of the World,
To dwell bound up in icy chains,
While Life's long polar winter reigns,
In pomp magnificently drear
As the blank ice field's dismal glare,
Unless, like thee, some gentle star
Of kind affection gleams from far,
And leads to social duty's track
The long bewilder'd wanderers back.

Spirit of Hope ! at thy command
Yon scowling death-clime shall grow
bland—

Come, and with playful meteors fill
Stern Winter's empire dim and chill !
While icewinds breathe their cold mon-
soon,

Be thou th' unchanging Arctick Moon.
That dark and devious regions through
May lead the pilgrim's frail canoe
To some bright cove, where long unseen
Our kindred hearts have shelter'd been !—
And though within the dread control
Of that dark zone that binds the pole,
The needle from its place may turn,
And loadstones new attraction learn,
The true heart shall not lose its skill—
Home, home shall be its magnet still !

From the same.

FARE THEE WELL !

" I'll hie me hence, and strive in other lands
To lose the memory of what charm'd me here,
And blighted, as it charm'd."

PHILIPS.

O turn from me those eyes of blue !
If they must light a rival's flame,
O hide that cheek's bewitching hue !
That mantles at another's name.
In pity hide each glance of thine,
Whose tenderest feeling is not mine.

If not for me those blushes rise,
If not for me those tear drops swell ;—
If not for me thou breath'st those sighs,
Beloved *Matilda* ! fare thee well !
Madness were better than to see,---
To know thou lov'st, and lov'st not me.

Another reigns within thy heart ;—
Farewell ! I will not gaze again,
Lest jealousy to murder start
And thou weep o'er thy lover slain.
I will not add to blighted love
Thy curse below, and God's above.

May 18th, 1818. REDITURUS.